



COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Commerce and Technology, to which was referred House Bill No. 1360, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 6, line 4, delete "logs" and insert "**tracks**".
2 Page 6, line 8, delete "electronically".
3 Page 6, between lines 23 and 24, begin a new paragraph and insert:
4 "SECTION 3. IC 5-14-3-4, AS AMENDED BY P.L.33-2025,
5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2026]: Sec. 4. (a) The following public records are excepted
7 from section 3 of this chapter and may not be disclosed by a public
8 agency, unless access to the records is specifically required by a state
9 or federal statute or is ordered by a court under the rules of discovery:
10 (1) Those declared confidential by state statute.
11 (2) Those declared confidential by rule adopted by a public
12 agency under specific authority to classify public records as
13 confidential granted to the public agency by statute.
14 (3) Those required to be kept confidential by federal law.
15 (4) Records containing trade secrets.
16 (5) Confidential financial information obtained, upon request,
17 from a person. However, this does not include information that is
18 filed with or received by a public agency pursuant to state statute.

- 1 (6) Information concerning research, including actual research
2 documents, conducted under the auspices of a state educational
3 institution, including information:
4 (A) concerning any negotiations made with respect to the
5 research; and
6 (B) received from another party involved in the research.
7 (7) Grade transcripts and license examination scores obtained as
8 part of a licensure process.
9 (8) Those declared confidential by or under rules adopted by the
10 supreme court of Indiana.
11 (9) Patient medical records and charts created by a provider,
12 unless the patient gives written consent under IC 16-39 or as
13 provided under IC 16-41-8.
14 (10) Application information declared confidential by the Indiana
15 economic development corporation under IC 5-28.
16 (11) A photograph, a video recording, or an audio recording of an
17 autopsy, except as provided in IC 36-2-14-10.
18 (12) A Social Security number contained in the records of a
19 public agency.
20 (13) The following information that is part of a foreclosure action
21 subject to IC 32-30-10.5:
22 (A) Contact information for a debtor, as described in
23 IC 32-30-10.5-8(d)(1)(B).
24 (B) Any document submitted to the court as part of the debtor's
25 loss mitigation package under IC 32-30-10.5-10(a)(3).
26 (14) The following information obtained from a call made to a
27 fraud hotline established under IC 36-1-8-8.5:
28 (A) The identity of any individual who makes a call to the
29 fraud hotline.
30 (B) A report, transcript, audio recording, or other information
31 concerning a call to the fraud hotline.
32 However, records described in this subdivision may be disclosed
33 to a law enforcement agency, a private university police
34 department, the attorney general, the inspector general, the state
35 examiner, or a prosecuting attorney.
36 (15) Information described in section 5(c)(3)(B) of this chapter
37 that is contained in a daily log or record described in section 5(c)
38 of this chapter for a victim of a crime or delinquent act who is less

1 than eighteen (18) years of age, unless and to the extent that:

2 (A) a parent, guardian, or custodian of the victim consents in
3 writing to public disclosure of the records; and

4 (B) that parent, guardian, or custodian of the victim has not
5 been charged with or convicted of committing a crime against
6 the victim.

7 However, records described in this subdivision may be disclosed
8 to the department of child services.

9 (b) Except as otherwise provided by subsection (a), the following
10 public records shall be excepted from section 3 of this chapter at the
11 discretion of a public agency:

12 (1) Investigatory records of law enforcement agencies or private
13 university police departments. For purposes of this chapter, a law
14 enforcement recording is not an investigatory record. However,
15 information described in subsection (a)(15) contained in a law
16 enforcement recording is exempt from disclosure, unless and to
17 the extent that a parent, guardian, or custodian of the victim
18 consents in writing to public disclosure of the records. However,
19 a parent, guardian, or custodian charged with or convicted of a
20 crime against the victim may not consent to public disclosure of
21 the records. Law enforcement agencies or private university
22 police departments may share investigatory records with:

23 (A) a person who advocates on behalf of a crime victim,
24 including a victim advocate (as defined in IC 35-37-6-3.5) or
25 a victim service provider (as defined in IC 35-37-6-5), for the
26 purposes of providing services to a victim or describing
27 services that may be available to a victim;

28 (B) a school corporation (as defined by IC 20-18-2-16(a)),
29 charter school (as defined by IC 20-24-1-4), or nonpublic
30 school (as defined by IC 20-18-2-12) for the purpose of
31 enhancing the safety or security of a student or a school
32 facility; and

33 (C) the victim services division of the Indiana criminal justice
34 institute under IC 5-2-6-8, for the purposes of conducting an
35 investigation under IC 5-2-6.1-26;

36 without the law enforcement agency or private university police
37 department losing its discretion to keep those records confidential
38 from other records requesters. However, certain law enforcement

- 1 records must be made available for inspection and copying as
2 provided in section 5 of this chapter.
- 3 (2) The work product of an attorney representing, pursuant to
4 state employment or an appointment by a public agency:
- 5 (A) a public agency;
6 (B) the state; or
7 (C) an individual.
- 8 (3) Test questions, scoring keys, and other examination data used
9 in administering a licensing examination, examination for
10 employment, or academic examination before the examination is
11 given or if it is to be given again.
- 12 (4) Scores of tests if the person is identified by name and has not
13 consented to the release of the person's scores.
- 14 (5) The following:
- 15 (A) Records relating to negotiations between:
- 16 (i) the Indiana economic development corporation;
17 (ii) the ports of Indiana;
18 (iii) the Indiana state department of agriculture;
19 (iv) the Indiana finance authority;
20 (v) an economic development commission;
21 (vi) the Indiana White River state park development
22 commission;
23 (vii) a local economic development organization that is a
24 nonprofit corporation established under state law whose
25 primary purpose is the promotion of industrial or business
26 development in Indiana, the retention or expansion of
27 Indiana businesses, or the development of entrepreneurial
28 activities in Indiana; or
29 (viii) a governing body of a political subdivision;
30 with industrial, research, or commercial prospects, if the
31 records are created while negotiations are in progress.
32 However, this clause does not apply to records regarding
33 research that is prohibited under IC 16-34.5-1-2 or any other
34 law.
- 35 (B) Notwithstanding clause (A), the terms of the final offer of
36 public financial resources communicated by the Indiana
37 economic development corporation, the ports of Indiana, the
38 Indiana finance authority, an economic development

- 1 commission, the Indiana White River state park development
2 commission, or a governing body of a political subdivision to
3 an industrial, a research, or a commercial prospect shall be
4 available for inspection and copying under section 3 of this
5 chapter after negotiations with that prospect have terminated.
- 6 (C) When disclosing a final offer under clause (B), the Indiana
7 economic development corporation shall certify that the
8 information being disclosed accurately and completely
9 represents the terms of the final offer.
- 10 (D) Notwithstanding clause (A), an incentive agreement with
11 an incentive recipient shall be available for inspection and
12 copying under section 3 of this chapter after the date the
13 incentive recipient and the Indiana economic development
14 corporation execute the incentive agreement regardless of
15 whether negotiations are in progress with the recipient after
16 that date regarding a modification or extension of the incentive
17 agreement.
- 18 (6) Records that are intra-agency or interagency advisory or
19 deliberative material, including material developed by a private
20 contractor under a contract with a public agency, that are
21 expressions of opinion or are of a speculative nature, and that are
22 communicated for the purpose of decision making.
- 23 (7) Diaries, journals, or other personal notes serving as the
24 functional equivalent of a diary or journal.
- 25 (8) Personnel files of public employees and files of applicants for
26 public employment, except for:
- 27 (A) the name, compensation, job title, business address,
28 business telephone number, job description, education and
29 training background, previous work experience, or dates of
30 first and last employment of present or former officers or
31 employees of the agency;
- 32 (B) information relating to the status of any formal charges
33 against the employee; and
- 34 (C) the factual basis for a disciplinary action in which final
35 action has been taken and that resulted in the employee being
36 suspended, demoted, or discharged.
- 37 However, all personnel file information shall be made available
38 to the affected employee or the employee's representative. This

- 1 subdivision does not apply to disclosure of personnel information
 2 generally on all employees or for groups of employees without the
 3 request being particularized by employee name.
- 4 (9) Minutes or records of hospital medical staff meetings.
- 5 (10) Administrative or technical information that would
 6 jeopardize a record keeping system, voting system, voter
 7 registration system, or security system.
- 8 (11) Computer programs, computer codes, computer filing
 9 systems, and other software that are owned by the public agency
 10 or entrusted to it and portions of electronic maps entrusted to a
 11 public agency by a utility.
- 12 (12) Records specifically prepared for discussion or developed
 13 during discussion in an executive session under IC 5-14-1.5-6.1.
 14 However, this subdivision does not apply to that information
 15 required to be available for inspection and copying under
 16 subdivision (8).
- 17 (13) The work product of the legislative services agency under
 18 personnel rules approved by the legislative council.
- 19 (14) The work product of individual members and the partisan
 20 staffs of the general assembly.
- 21 (15) The identity of a donor of a gift made to a public agency if:
 22 (A) the donor requires nondisclosure of the donor's identity as
 23 a condition of making the gift; or
 24 (B) after the gift is made, the donor or a member of the donor's
 25 family requests nondisclosure.
- 26 (16) Library or archival records:
 27 (A) which can be used to identify any library patron; or
 28 (B) deposited with or acquired by a library upon a condition
 29 that the records be disclosed only:
 30 (i) to qualified researchers;
 31 (ii) after the passing of a period of years that is specified in
 32 the documents under which the deposit or acquisition is
 33 made; or
 34 (iii) after the death of persons specified at the time of the
 35 acquisition or deposit.
- 36 However, nothing in this subdivision shall limit or affect contracts
 37 entered into by the Indiana state library pursuant to IC 4-1-6-8.
- 38 (17) The identity of any person who contacts the bureau of motor

1 vehicles concerning the ability of a driver to operate a motor
2 vehicle safely and the medical records and evaluations made by
3 the bureau of motor vehicles staff or members of the driver
4 licensing medical advisory board regarding the ability of a driver
5 to operate a motor vehicle safely. However, upon written request
6 to the commissioner of the bureau of motor vehicles, the driver
7 must be given copies of the driver's medical records and
8 evaluations.

9 (18) School safety and security measures, plans, and systems,
10 including emergency preparedness plans developed under 511
11 IAC 6.1-2-2.5.

12 (19) A record or a part of a record, the public disclosure of which
13 would have a reasonable likelihood of threatening public safety
14 by exposing a vulnerability to terrorist attack. A record described
15 under this subdivision includes the following:

16 (A) A record assembled, prepared, or maintained to prevent,
17 mitigate, or respond to an act of terrorism under IC 35-47-12-1
18 (before its repeal), an act of agricultural terrorism under
19 IC 35-47-12-2 (before its repeal), or a felony terrorist offense
20 (as defined in IC 35-50-2-18).

21 (B) Vulnerability assessments.

22 (C) Risk planning documents.

23 (D) Needs assessments.

24 (E) Threat assessments.

25 (F) Intelligence assessments.

26 (G) Domestic preparedness strategies.

27 (H) The location of community drinking water wells and
28 surface water intakes.

29 (I) The emergency contact information of emergency
30 responders and volunteers.

31 (J) Infrastructure records that disclose the configuration of
32 critical systems such as voting system and voter registration
33 system critical infrastructure, and communication, electrical,
34 ventilation, water, and wastewater systems.

35 (K) Detailed drawings or specifications of structural elements,
36 floor plans, and operating, utility, or security systems, whether
37 in paper or electronic form, of any building or facility located
38 on an airport (as defined in IC 8-21-1-1) that is owned,

1 occupied, leased, or maintained by a public agency, or any part
2 of a law enforcement recording that captures information
3 about airport security procedures, areas, or systems. A record
4 described in this clause may not be released for public
5 inspection by any public agency without the prior approval of
6 the public agency that owns, occupies, leases, or maintains the
7 airport. Both of the following apply to the public agency that
8 owns, occupies, leases, or maintains the airport:

9 (i) The public agency is responsible for determining whether
10 the public disclosure of a record or a part of a record,
11 including a law enforcement recording, has a reasonable
12 likelihood of threatening public safety by exposing a
13 security procedure, area, system, or vulnerability to terrorist
14 attack.

15 (ii) The public agency must identify a record described
16 under item (i) and clearly mark the record as "confidential
17 and not subject to public disclosure under
18 IC 5-14-3-4(b)(19)(J) without approval of (insert name of
19 submitting public agency)". However, in the case of a law
20 enforcement recording, the public agency must clearly mark
21 the record as "confidential and not subject to public
22 disclosure under IC 5-14-3-4(b)(19)(K) without approval of
23 (insert name of the public agency that owns, occupies,
24 leases, or maintains the airport)".

25 (L) The home address, home telephone number, and
26 emergency contact information for any:

27 (i) emergency management worker (as defined in
28 IC 10-14-3-3);

29 (ii) public safety officer (as defined in IC 35-47-4.5-3);

30 (iii) emergency medical responder (as defined in
31 IC 16-18-2-109.8); or

32 (iv) advanced emergency medical technician (as defined in
33 IC 16-18-2-6.5).

34 (M) Information relating to security measures or precautions
35 used to secure the statewide 911 system under IC 36-8-16.7.

36 This subdivision does not apply to a record or portion of a record
37 pertaining to a location or structure owned or protected by a
38 public agency in the event that an act of terrorism under

1 IC 35-47-12-1 (before its repeal), an act of agricultural terrorism
 2 under IC 35-47-12-2 (before its repeal), or a felony terrorist
 3 offense (as defined in IC 35-50-2-18) has occurred at that location
 4 or structure, unless release of the record or portion of the record
 5 would have a reasonable likelihood of threatening public safety
 6 by exposing a vulnerability of other locations or structures to
 7 terrorist attack.

8 (20) The following personal information concerning a customer
 9 of a municipally owned utility (as defined in IC 8-1-2-1):

10 (A) Telephone number.

11 (B) Address.

12 (C) Social Security number.

13 (21) The following personal information about a complainant
 14 contained in records of a law enforcement agency:

15 (A) Telephone number.

16 (B) The complainant's address. However, if the complainant's
 17 address is the location of the suspected crime, infraction,
 18 accident, or complaint reported, the address shall be made
 19 available for public inspection and copying.

20 (22) Notwithstanding subdivision (8)(A), the name,
 21 compensation, job title, business address, business telephone
 22 number, job description, education and training background,
 23 previous work experience, or dates of first employment of a law
 24 enforcement officer who is operating in an undercover capacity.

25 (23) Records requested by an offender, an agent, or a relative of
 26 an offender that:

27 (A) contain personal information relating to:

28 (i) a correctional officer (as defined in IC 5-10-10-1.5);

29 (ii) a probation officer;

30 (iii) a community corrections officer;

31 (iv) a law enforcement officer (as defined in
 32 IC 35-31.5-2-185);

33 (v) a judge (as defined in IC 33-38-12-3);

34 (vi) the victim of a crime; or

35 (vii) a family member of a correctional officer, probation
 36 officer, community corrections officer, law enforcement
 37 officer (as defined in IC 35-31.5-2-185), judge (as defined
 38 in IC 33-38-12-3), or victim of a crime; or

1 (B) concern or could affect the security of a jail or correctional
2 facility.

3 For purposes of this subdivision, "agent" means a person who is
4 authorized by an offender to act on behalf of, or at the direction
5 of, the offender, and "relative" has the meaning set forth in
6 IC 35-42-2-1(b). However, the term "agent" does not include an
7 attorney in good standing admitted to the practice of law in
8 Indiana.

9 (24) Information concerning an individual less than eighteen (18)
10 years of age who participates in a conference, meeting, program,
11 or activity conducted or supervised by a state educational
12 institution, including the following information regarding the
13 individual or the individual's parent or guardian:

- 14 (A) Name.
- 15 (B) Address.
- 16 (C) Telephone number.
- 17 (D) Electronic mail account address.

18 (25) Criminal intelligence information.

19 (26) The following information contained in a report of unclaimed
20 property under IC 32-34-1.5-18 or in a claim for unclaimed
21 property under IC 32-34-1.5-48:

- 22 (A) Date of birth.
- 23 (B) Driver's license number.
- 24 (C) Taxpayer identification number.
- 25 (D) Employer identification number.
- 26 (E) Account number.

27 (27) Except as provided in subdivision (19) and sections 5.1 and
28 5.2 of this chapter, a law enforcement recording. However, before
29 disclosing the recording, the public agency must comply with the
30 obscuring requirements of sections 5.1 and 5.2 of this chapter, if
31 applicable.

32 (28) Records relating to negotiations between a state educational
33 institution and another entity concerning the establishment of a
34 collaborative relationship or venture to advance the research,
35 engagement, or educational mission of the state educational
36 institution, if the records are created while negotiations are in
37 progress. The terms of the final offer of public financial resources
38 communicated by the state educational institution to an industrial,

1 a research, or a commercial prospect shall be available for
 2 inspection and copying under section 3 of this chapter after
 3 negotiations with that prospect have terminated. However, this
 4 subdivision does not apply to records regarding research
 5 prohibited under IC 16-34.5-1-2 or any other law.

6 (c) Nothing contained in subsection (b) shall limit or affect the right
 7 of a person to inspect and copy a public record required or directed to
 8 be made by any statute or by any rule of a public agency.

9 (d) Notwithstanding any other law, a public record that is classified
 10 as confidential, other than a record concerning:

11 (1) an adoption or patient medical records; or

12 (2) a birth or stillbirth;

13 shall be made available for inspection and copying seventy-five (75)
 14 years after the creation of that record. A registration or certificate of a
 15 birth or stillbirth shall be made available in accordance with
 16 IC 16-37-1-7.5.

17 (e) **A public agency may deny a request under this chapter for**
 18 **a record if the request:**

19 (1) **is made by a person that is a party to pending or ongoing**
 20 **litigation; and**

21 (2) **is duplicative of a discovery request made by the person in**
 22 **the pending or ongoing litigation.**

23 ~~(e)~~ (f) Only the content of a public record may form the basis for the
 24 adoption by any public agency of a rule or procedure creating an
 25 exception from disclosure under this section.

26 ~~(f)~~ (g) Except as provided by law, a public agency may not adopt a
 27 rule or procedure that creates an exception from disclosure under this
 28 section based upon whether a public record is stored or accessed using
 29 paper, electronic media, magnetic media, optical media, or other
 30 information storage technology.

31 ~~(g)~~ (h) Except as provided by law, a public agency may not adopt a
 32 rule or procedure nor impose any costs or liabilities that impede or
 33 restrict the reproduction or dissemination of any public record.

34 ~~(h)~~ (i) Notwithstanding subsection (d) and section 7 of this chapter:

35 (1) public records subject to IC 5-15 may be destroyed only in
 36 accordance with record retention schedules under IC 5-15; or

- 1 (2) public records not subject to IC 5-15 may be destroyed in the
- 2 ordinary course of business."
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1360 as reprinted January 28, 2026.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Buchanan

Chairperson